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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,133	07/08/2003	Mary Morabito O'Neill	02W234	8119

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EXAMINER CHAMBERS, TROY	
ART UNIT 3641	PAPER NUMBER

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/615,133

Examiner

Troy Chambers

Applicant(s)

O'NEILL ET AL.

Art Unit

3641

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 31 July 2006 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

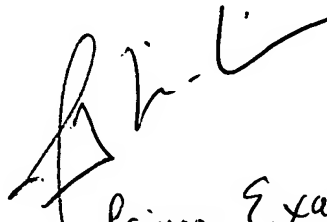
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Claims 1, 2, 4, 6, 8 and 11-26 remain rejected. With regard to claims 13 and 21, while those claims were not mentioned in the first sentence of the rejection they were noted as being rejected in the body of the Office action. Moreover, the Examiner has maintained the position that those claims are properly rejected by the art of record. The Examiner's attempt to address a mere typographical error in an Advisory Action does not constitute a "new" final action. If the applicant believes claims 13 and 21 to include allowable subject matter and intends to amend independent claims to include said subject matter, then the applicant is free to do so. Otherwise, the applicant is free to proceed to appeal with the knowledge that claims 13 and 21 stand rejected by the art of record.


Primary Examiner
AU 3641